

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

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| RICHARD GLOSSIP, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | Case No. CIV-14-665-F |
| |) | |
| RANDY CHANDLER, et al., |) | |
| |) | |
| Defendants. |) | |

PLAINTIFFS' COMBINED WITNESS AND EXHIBIT LIST

Come now counsel for Religious Objector Plaintiffs, pursuant to this Court's December 7, 2021 Order [Doc. 561], and hereby submit the following list of witnesses and exhibits, which they anticipate offering at the January 10, 2022 hearing on the *Emergency Motion for Preliminary Injunction on Behalf of Plaintiff Julius Jones¹ and Other Religious Objector Plaintiffs² on the Supplemental Record of the Execution of John Grant* [Doc. 551]:

¹ *Stipulation of Dismissal of Plaintiff Julius Jones* [Doc. 555] was entered November 23, 2001. The rights sought to be enforced in this action survive as to, and proceed on behalf of, the remaining Religious Objector Plaintiffs.

² Donald Grant's execution is scheduled January 27, 2022; Gilbert Postelle's execution is scheduled February 17, 2022; Wade Lay's January 6, 2022 execution has been stayed pending adjudication of his competency proceedings initiated under 22 O.S. § 1005 in Pittsburg County District Court Case No. CV-2021-224. Additionally, Mr. Lay has a pending Rule 60(b) motion before this Court.

WITNESSES

| Witness | Anticipated Testimony |
|---|---|
| Joseph Cohen, M.D., Forensic Pathologist | Conducted autopsy of John M. Grant. Will testify as to his preliminary findings from the autopsy, the autopsy done by the Medical Examiner to the extent records of such are made available and to the contents of his Nov. 18, 2021 Declaration. |
| Julie Gardner, Investigator for Capital Habeas Unit Federal Public Defender Western District of Okla. | Witnessed the execution of John M. Grant. Will testify to her observations from the Grant execution, and to the contents of her Nov. 17, 2021 declaration. |
| Spencer Hahn, Assistant Federal Public Defender for the Middle District of Alabama | Witness to recent midazolam executions. Will testify to his observations as he did at the hearing on the Motion for Preliminary Injunction on October 25, 2021, |
| Meghan LeFrancois, Assistant Federal Public Defender for the Western District of Oklahoma | Witnessed the execution of John M. Grant. Will testify to her observations from the Grant execution and to the contents of her Nov. 17, 2021 Declaration. |
| Michael Weinberger, M.D., Anesthesiologist and Pain Medicine Specialist | Will testify to his opinions related to the protocol and its use in the execution of John Grant and to matters related to the declarations submitted on November 18, 2021 and December 17, 2021. |
| James S. Williams, M.D., Emergency Medicine Specialist, Firearms Instructor | Will testify to his opinions relating to the firing squad as an alternative to lethal injection and to matters related to the Declaration submitted on December 17, 2021. |

EXHIBITS

| No. | Description |
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| 1 | All exhibits previously listed on Plaintiffs' Combined Witness and Exhibit List [Doc. 516] for the Oct. 25, 2021 hearing on Plaintiffs' Request for Preliminary Injunction |
| 2 | Expert Report of Michael Weinberger, M.D., dated Jan. 11, 2021 |
| 3 | C.V. of Michael Weinberger, M.D. |
| 4 | Declaration of Michael Weinberger, M.D., dated Dec. 17, 2021 |
| 5 | Declaration of Michael Weinberger, M.D., dated Nov. 18, 2021 |
| 6 | Expert Report of Dr. James Williams, dated Jan. 7, 2021 |
| 7 | C.V. of Dr. James Williams |
| 8 | Declaration of Dr. James S. Williams, dated Dec. 17, 2021 |
| 9 | C.V. of Joseph Cohen, M.D. |
| 10 | Declaration of Joseph Cohen, M.D., dated Nov. 18, 2021 |
| 11 | Declaration of Julie Gardner, dated Nov. 17, 2021 |
| 12 | Declaration of Meghan LeFrancois, dated Nov. 17, 2021 |
| 13 | Deposition transcripts of Director Scott Crow in his individual capacity and as a Rule 30(b)(6) witness |
| 14 | Deposition transcript(s) of Jason Bentley, Special Operations Manager |
| 15 | Deposition transcript(s) of Michael Carpenter, Chief of Operations |
| 16 | Deposition transcript(s) of Randy Chandler, Oklahoma Board of Corrections |
| 17 | Deposition transcript(s) of James Farris, Warden |
| 18 | Deposition transcript(s) of [REDACTED] |

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| 19 | Deposition transcript(s) of [REDACTED] |
| 20 | Deposition transcript(s) of Thomas Sharp, Former Warden |
| 21 | ODOC John Grant Allergy Report (OAG 018876) |
| 22 | ODOC John Grant Medical Records (OAG 018934 – 018997) |
| 23 | John Grant Observational Logs (OAG 19030-035) |
| 24 | ODOC Correctional Services Log (OAG 19037-042) |
| 25 | Chemical Inventory Chart (OAG 19078-78) |
| 26 | ODOC Grant Medications List (OAG 019118) |
| 27 | ODOC Grant Medical Records (OAG 019143) |
| 28 | Handwritten Log (OAG 019353) |
| 29 | ODOC Memorandum (OAG 019354) |
| 30 | Emails (OAG 019139 – 019140) |
| 31 | Checklist (OAG 019370 – 019391) |
| 32 | Chemical Inventory (OAG 019392) |
| 33 | Memorandum (OAG 019393) |
| 34 | Drug Evidence List (OAG 019394) |
| 35 | ODOC Investigation (OAG 019395 – 019418) |
| 36 | Log (OAG 019419 – 019592) |
| 37 | Medical Examiner Photos (OAG 019643 – 020010) |
| 38 | Report (OAG 020088 – 020100) |
| 39 | Checklist (OAG 020119 – 020141) |
| 40 | Chemical Inventory List (OAG 020142 – 020146) |

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| 41 | ODOC Bigler Stouffer Medical Records (OAG 020160 – 020175) |
| 42 | Correctional Service Log (OAG 020216 – 020221) |
| 43 | ODOC Statement Re: Bigler Stouffer (OAG 020222) |
| 44 | Sean Murphy AP report of John Grant’s execution. |
| 45 | February 20, 2020 Oklahoma Department of Corrections document OP[1]040301, <i>Execution of Inmates Sentenced to Death</i> , referred to herein as “Execution Protocol”. |
| 46 | <i>Oklahoman</i> article reporting on December 8, 2021 execution of Bigler Stouffer (Exhibit A to the 12/17/2021 Weinberger Declaration) |
| 47 | Package Insert, Pfizer, Midazolam Injection, USP, at Indications and Usage |
| 48 | Amrein & Hetzel, Pharmacology of Dormicum® (midazolam) and Anexate® (flumazenil), <i>Acta Anaesthesiol Scand</i> 1990: 34, Supplementum 92:6-15 |
| 49 | Khanderia U, Pandit SK (1987) <i>Use of Midazolam Hydrochloride in Anesthesia</i> , <i>Clin. Pharm.</i> 6:533-547 |
| 50 | Samuelson, et al., <i>Hemodynamic Responses to Anesthetic Induction with Midazolam or Diazepam in Patients with Ischemic Heart Disease</i> , <i>Anesthesia and Analgesia</i> , Vol. 80, No. 11, 60:802-9 (November 1981) |
| 51 | White, <i>Comparative Evaluation of Intravenous Agents for Rapid Sequence Induction – Thiopental, Ketamine, and Midazolam</i> , <i>Anesthesiology</i> 57:279-284 (1982) |
| 52 | Giovannitti JA, Trapp LD, <i>Adult Sedation: Oral, Rectal, IM, IV</i> . <i>Anesth Prog.</i> 38:154-71 (1991) |
| 53 | Hoffman MS, Butler TW, Shaver T, <i>Colonoscopy Without Sedation</i> , <i>J. Clin. Gastroenterol</i> 26:279-82 (1998) |
| 54 | Kanto J, Sjoval S, Vuori A, <i>Effect of Different Kinds of Premedication on the Induction Properties of Midazolam</i> , <i>Br. J. Anaesth.</i> 54:507-11 (1982) |

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| 55 | Allen MD, et al., <i>Pharmacokinetic Study of Lorazepam Overdosage</i> , Am. J. Psychiatry 137:1414-1415 (1980) |
| 56 | Divoll M., et al., <i>Benzodiazepine Overdosage: Plasma Concentrations and Clinical Outcome</i> , Psychopharmacology (Berl) 73:381-383 (1981) |
| 57 | Reves, et al., <i>Midazolam: Pharmacology and Uses</i> , Anesthesiology Vol. 62, No. 3, 62:310-324 (Mar. 1985) |
| 58 | Greenblatt DJ, et al., <i>Acute Overdosage with Benzodiazepine Derivatives</i> , Clin. Pharmacol. Ther. 21:497-514 (1977) |
| 59 | Midazolam Hydrochloride—Midazolam Hydrochloride Injection, Solution, Hospira, Inc. (official label), available at https://dailymed.nlm.nih.gov/dailymed/fda/fdaDrugXsl.cfm?setid=b95415fa-17c2-42ab-a6b0-e628d01c94ed&type=display |
| 60 | Wright, <i>Limited Utility for Benzodiazepines in Chronic Pain Management: A Narrative Review</i> , Adv. Ther. 37:2604–2619 (2020) |
| 61 | Brown, et al., <i>General Anesthesia, Sleep, and Coma</i> , N. Engl. J. Med. 363:2638-50 (2010) |
| 62 | Gear, et al., <i>Benzodiazepine Mediated Antagonism of Opioid Analgesia</i> , Pain 71 25–29 (1997) |
| 63 | Brown, et al., <i>Monitoring the State of the Brain and Central Nervous System During General Anesthesia and Sedation</i> , in Miller’s Anesthesia, (9th Edition (Gropper, ed.)) |
| 64 | Bai, et al., <i>Distinct Functional and Pharmacological Properties of Tonic and Quantal Inhibitory Postsynaptic Currents Mediated Aminobutyric Acid A Receptors in Hippocampal Neurons</i> , Molecular Pharmacology Vol. 59, No. 4, 814-824 (2001) |
| 65 | Gamble, et al., <i>Evaluation of Midazolam as an Intravenous Induction Agent in Dogs</i> , Anaesthesia, Volume 36, pages 868-873 (1981) |
| 66 | 01/06/2021 Pat Doe Decl. in Response to Written Dep. Questions |
| 67 | Majumdar JR., et al., <i>Effects of Midazolam on Postoperative Nausea and Vomiting and Discharge Times in Outpatients Undergoing Cancer-Related Surgery</i> , AANA Journal 87(3):179-183 (2019) |

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| 68 | Schwieger JM, et al., <i>Intrathecal Midazolam Reduces Isoflurane MAC and Increases the Apnoeic Threshold in Rats</i> , Can. J. Anaeth. 41:144-188 (1994) |
| 69 | Michel J, et al., <i>Gamma-Hydroxybutyrate: Is It a Feasible Alternative to Midazolam in Long-Term Mechanically Ventilated Children?</i> Curr. Med. Res. Opin. 35:1721–1726 (2019) |
| 70 | Ochs HR, Greenblatt DJ, Lauven PM, et al., <i>Kinetics of High-Dose I.V. Valium</i> , Br. J. Anaesth. 54:849-52 (1982) |
| 71 | Cheng, et al., <i>When Midazolam Fails</i> , Journal of Pain and Symptom Management, Vol. 23 No. 3 (March 2002) |
| 72 | Vuyk, et al., <i>Intravenous Anesthetics</i> , Miller's Anesthesia, (9th Edition (Groppe, ed.)) |
| 73 | Ticku, <i>Benzodiazepine-GABA Receptor-Ionophore Complex: Current Concepts</i> , Neuropharmacology Vol. 22, No. 12, 1459-1470 |
| 74 | Sigel and Steinmann, JBC, <i>Structure, Function, and Modulation of GABAA Receptors</i> . Papers in Press, J. Biol. Chem. Vol. 287, No. 48, pp. 40224-40231 (Oct. 4, 2012) |
| 75 | Bowery, et al., <i>GABA Receptor Multiplicity: Visualization of Different Receptor Types in the Mammalian CNS</i> , Neuropharmacology Vol. 23, No. 2B, pp. 219-231 (1984) |
| 76 | Mihic SJ, Mayfield J, Harris RA, <i>Hypnotics and Sedatives</i> , (Brunton LL, Hilal-Dandan R, Knollmann BC, editors) <i>Goodman and Gillman's The Pharmacological Basis of Therapeutics</i> (13th ed.) McGraw-Hill Education/Medical (2017) |
| 77 | Thomsen JL, et al., <i>Awareness During Emergence from Anaesthesia: Significance of Neuromuscular Monitoring in Patients with Butyrylcholinesterase Deficiency</i> , Br J Anaesth. 2015 i78-i88 (2015) |
| 78 | Chong ID, et al., <i>Long-Acting Neuromuscular Paralysis Without Concurrent Sedation in Emergency Care</i> , Am. J. Emerg. Med. 32:452-456 (2014) |
| 79 | <i>Drugs, Access Medicine</i> , McGraw-Hill Medical, Vecuronium, Drugs AccessMedicine McGraw-Hill Medical (mhmedical.com). |

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| 80 | Alan Johnson, <i>Inmate's Death Called 'Horrific' Under New, 2-Drug Execution</i> , The Columbus Dispatch (Jan. 16, 2014), available at https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=https%3a%2f%2fwww.dispatch.com%2farticle%2f20140116%2fNEWS%2f301169709&umid=f852e7d8-7f16-4736-9c76-bdc2c3be7044&auth=c23c11972c2c4ab21c2fd0c168c849a17d0dab6f-4abe72f80d8def62eb89c7f5ac09d09c46036625 |
| 81 | Michael Kiefer, <i>Reporter Recounts Nearly 2-Hour Execution</i> , KVUE ABC (July 24, 2014), available at https://www.kvue.com/article/news/reporter-recounts-nearly-2-hour-execution/269-260131222 |
| 82 | Warner Autopsy Report |
| 83 | Plum & Posner, <i>Diagnosis and Treatment of Stupor and Coma</i> (5th Ed.) |
| 84 | Avidan MS, et al., <i>Prevention of Intraoperative Awareness in a High-Risk Surgical Population</i> , New Eng. J. Med. 365(7):591-600 (2011) |
| 85 | Oklahoma Dept' of Public Safety, The Execution of Clayton D. Lockett Case Number 14-0189SI, Executive Summary |
| 86 | May 27, 2014 Physician Interview Transcript, Department of Public Safety Investigation |
| 87 | Fackler M, <i>Gunshot Wound Review</i> , Annals of Emergency Medicine 28 (2): 194-20 (1996) |
| 88 | Graph of Heartbeat in Execution, Chicago Daily Tribune (Nov. 1, 1938) |
| 89 | American College of Surgeons, <i>Advanced Trauma Life Support</i> , Student Manual (2016) |
| 90 | <i>Firing Squad Executes Killer</i> , The New York Times (Jan. 27, 1996) |
| 91 | <i>The Firing Squad is Making a Comeback in Death Penalty Cases</i> , US News & World Report (March 3, 2017) |
| 92 | Utah's Current Protocol for Execution by Firing Squad |

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| 93 | Firing-Squad Protocol of the U.S. Army |
| 94 | Wagner, K.A., <i>Calculated to Strike Terror: The Amritsar Massacre and the Spectacle of Colonial Violence</i> , Past & Present, Vol. 233 (1); 185-225 (2016) |
| 95 | Fackler, M., <i>Gunshot Wound Review</i> , Annals of Emergency Medicine 28 (2): 194-203 (1996) |
| 96 | All exhibits listed by Defendant unless objected to |

Respectfully submitted this 23rd day of December, 2021.

s/ Emma V. Rolls

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of December, 2021, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of Notice of Electronic Filing to all counsel of record who are registered participants of the Electronic Case Filing System.

s/ Emma V. Rolls